

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION**

No. 2:15-MD-02641 -DGC

## This Document Relates to:

Diane Garner  
Civil Action No.: 2:18-cv-04333-DGC

**UNOPPOSED MOTION TO SUBSTITUTE PARTY PLAINTIFF**

8 Counsel, pursuant to Rule 25 (a)(1) of the Federal Rules of Civil Procedure, moves this  
9 Court for an Order substituting bankruptcy trustee Robert E. Tardif, Jr. in place of plaintiff  
10 Diane Garner.

11       1. Dine Garner filed a products liability lawsuit against Defendants on December 3,  
12 2018, in the District of Arizona – MDL No. 2:15-MD-02641.

13 2. On December 7, 2020, Plaintiff filed and served a Suggestion of Death [Doc  
14 21735].

15       3.     Robert E. Tardif, Jr. Trustee of the bankruptcy estate of Diane, is the proper  
16 party to substitute for Plaintiff-decedent Diane Garner and has proper capacity forward with  
17 the surviving products liability lawsuit on her behalf, pursuant to Fed. R. Civ. P. 25(a)(1). “If a  
18 party dies and the claim is not extinguished, the Court may order substitution of the proper  
19 party. A motion for substitution may be made by any party or by the decedent’s successor or  
20 representative.”

**UNOPPOSED MOTION TO SUBSTITUTE PARTY PLAINTIFF AND FOR  
LEAVE TO AMEND SHORT FORM COMPLAINT**

4. Plaintiff's counsel has conferred with the Defendant's counsel and Defendants do not oppose the filing of this motion.

5. Based on the foregoing, Robert E. Tardif, Jr. requests that this Court grant his request for substitution of Plaintiff in this action

Date: December 11, 2020

Respectfully submitted,

LOPEZ McHUGH LLP

By /s/Ramon Rossi Lopez  
Ramon Rossi Lopez (CA Bar No. 86361)  
(admitted pro hac vice)  
Matthew Ramon Lopez (CA Bar No. 263134)  
(admitted pro hac vice)  
100 Bayview Circle, Suite 5600  
Newport Beach, California 92660

*Attorneys for Plaintiff*

1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on this 11 December, 2020, I electronically transmitted the attached  
3 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice  
4 of Electronic Filing.

5                   */s/Ramon Rossi Lopez* \_\_\_\_\_

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

22 **UNOPPOSED MOTION TO SUBSTITUTE PARTY PLAINTIFF AND FOR LEAVE TO  
AMEND SHORT FORM COMPLAINT**